Estudios Políticos
ISSN: 0121-5167
ISSN: 2462-8433
Universidad de Antioquia

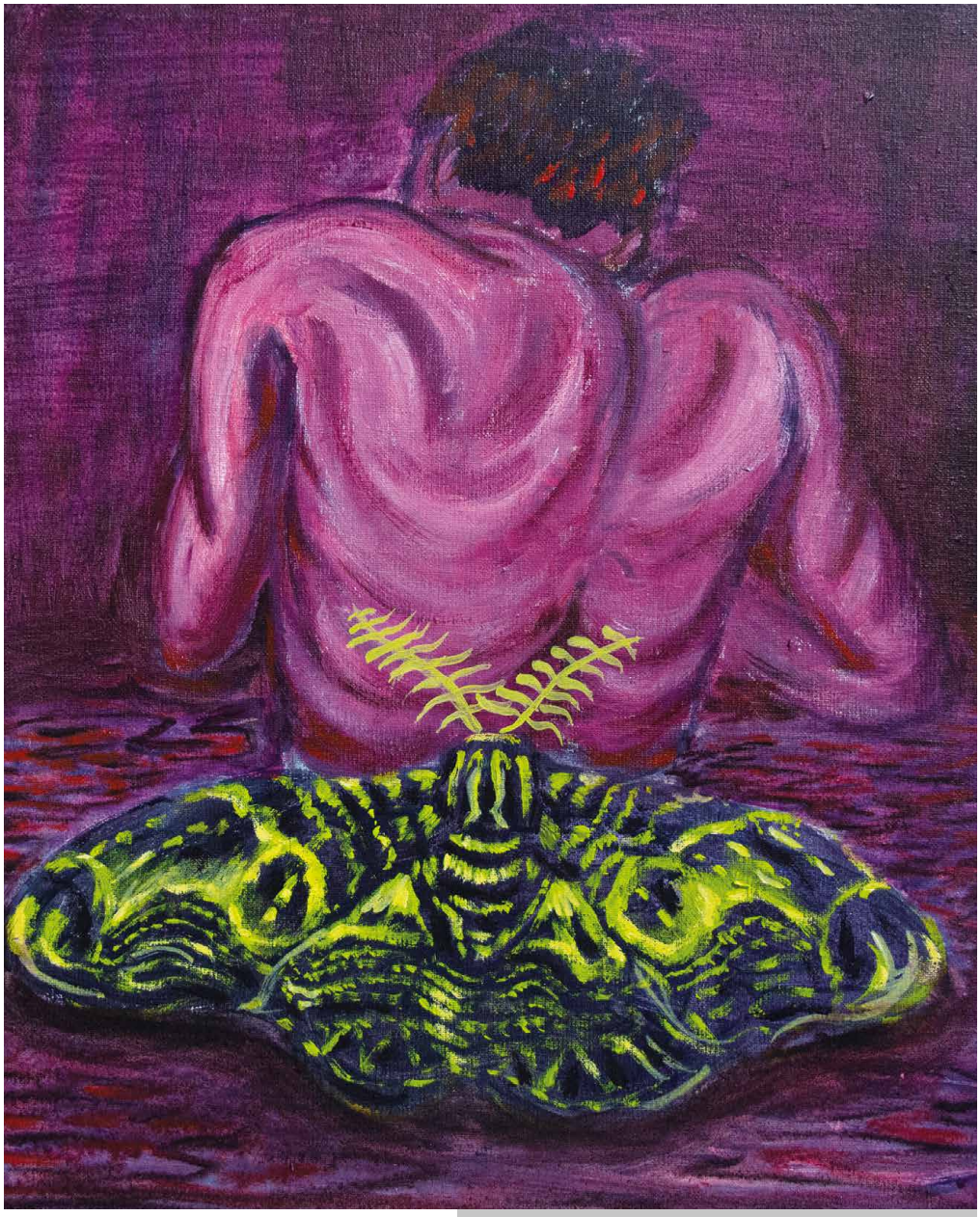
Guzmán Rincón, Andrés Mauricio; Caballero Pérez, Adriana

Participation of Persons with Disabilities in Political Life.
A Content Analysis of Recent Literature (1997-2019)1 **

Estudios Políticos, no. 61, 2021, May-August, pp. 154-177
Universidad de Antioquia

DOI: https://doi.org/10.17533/udea.espo.n61a07

Available in: https://www.redalyc.org/articulo.oa?id=16469726007



Artista invitado
Rafael Germán Rengifo Sánchez
Libación 1
De la serie *El jardín detrás de mi cabeza*
Acrílico sobre lona
30 x 35 cm
2020
Medellín

Participation of Persons with Disabilities in Political Life. A Content Analysis of Recent Literature (1997-2019)*

*Andrés Mauricio Guzmán Rincón (Colombia)***
*Adriana Caballero Pérez (Colombia)****

Abstract

The right of persons with disabilities to vote is well-codified in international human rights law. Disability scholars, however, argue that persons with disabilities are frequently denied the right to vote. What are the recurrent concepts used by disability scholars to discuss this issue? From a content literature review, four main concepts are regularly used by authors to elaborate on voting rights in the context of disability: "political participation," "barriers," "electoral practices" that support or constraint the full and effective exercise of the right to vote, and "electoral-assistive devices" as technology solutions to assist voters with disabilities. Discussing all these concepts is uncommon in other literature reviews. Findings illustrate that an abundance of publications focuses on political participation of persons with intellectual or mental impairments. Such publications tend to concentrate only on statutory barriers. Less prevalent is academic literature regarding persons with other impairments, as well as procedural barriers. Even more sparse are publications elaborating on social practices. Similarly, assistive technology is not often discussed as a tool for the facilitation of the right to vote of persons with disabilities.

Keywords

Political Participation; Right to Vote; Persons with Disabilities; Electoral Assistance; Equity.

Reception Date: July 2020 • **Approval Date:** January 2021

* This article is part of the research project *Democratic Governance by the Peace and the Human Rights: Multidisciplinary Approaches in Digital Environments,* sponsored by La Gran Colombia University.

** Lawyer. LLM in Human Rights. Professor of Law, La Gran Colombia University. E-mail: andres.guzman@ugc.edu.co - Orcid: 0000-0002-0975-0057

*** Lawyer. M.A. in Sociology. LLM in International Human Rights Law. PhD Researcher at the Faculty of Law, Maastricht University, Netherlands. E-mail: accaballerop@gmail.com - Orcid: 0000-0002-5618-3323 - Google Scholar: https://scholar.google.com.co/citations?user=4oXIzJQAAAAJ&hl=es

How to Cite this Article

Guzmán Rincón, Andrés Mauricio & Caballero Pérez, Adriana. (2021). Participation of Persons with Disabilities in Political Life. A Content Analysis of Recent Literature (1997-2019). *Estudios Políticos* (Universidad de Antioquia), 61, pp. 154-177. DOI: 10.17533/udea.espo.n61a07

Participación de personas con discapacidad en la vida política. Un análisis de contenido de la literatura reciente (1997-2019)

Resumen

El derecho internacional de los derechos humanos codifica ampliamente el derecho al voto de las personas con discapacidad. Expertos argumentan que, pese al marco legal, las personas con discapacidad no logran ejercer este derecho. ¿Cuáles elementos conceptuales son utilizados por expertos para discutir este tema? Con base en una revisión de literatura, cuatro conceptos son utilizados de manera recurrente por los autores: «participación política», «barreras», «prácticas electorales» que facilitan o limitan el derecho al voto y «dispositivos de asistencia electoral» como ayudas tecnológicas de asistencia. Otras revisiones de literatura no han abordado de manera integral todos estos conceptos. Los resultados de la revisión indican que una gran parte de la literatura se centra en discutir la participación política de las personas con discapacidad intelectual o psicosocial, así como en las barreras legales que estas enfrentan. La literatura disponible aborda en menor medida otro tipo de deficiencias y el tema de barreras procedimentales, es escasa la literatura disponible sobre «prácticas sociales» y el tema menos discutido por los expertos es el uso de la tecnología de asistencia para facilitar el ejercicio del derecho al voto.

Palabras clave

Participación Política; Derecho al Voto; Personas con Discapacidad; Asistencia Electoral; Equidad.

Introduction

The right to vote is widely recognized as a fundamental human right and essential to a well-functioning democracy (Fishkin, 2011). The universal, equal, free, and secret ballot principles form an integral part of the fundamental right of persons with disabilities to vote. These principles are codified in international human rights law: Article 21-Universal Declaration of Human Rights, Article 25-International Covenant on Civil and Political Rights (ICCPR), and Article 29-UN Convention on the Rights of Persons with Disabilities (UN CRPD). As well as other instruments at the Inter-American Human Rights Level: Article 23-American Convention on Human Rights and Article III (a) Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.

Foundational instruments comprising the human rights legal framework establish the legal duty of Contracting States to take effective and positive measures to promote and ensure that persons with disabilities participate in elections on an equal basis with others. Nevertheless, the right to vote is not fully granted for all persons with disabilities. There remain significant gaps between what is detailed in law regulations and the barriers to political participation that continue to exist in practice. Colombia is not an exception to this fact (ONU, 2016).

Colombia is a State Party to all international and regional human rights instruments cited above.[1] This means that Colombia is required to ensure the full and effective participation of persons with disabilities in political life. Compliance with the legal obligations established in international and regional human rights law by Colombia implies adopting *inter alia* legislative measures to achieve formal and substantive equality in the context of voting. Accordingly, this issue is of high relevance for the new National Electoral Code.[2] It is expected that the new Colombian electoral legislation provides for achieving accessibility and dismantling barriers faced by voters with disabilities.

[1] Colombia ratified the ICCPR in 1969; the UN CRPD in 2011; the American Convention on Human Rights in 1973, and the Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities in 2003.

[2] In 2020, the Colombian Senate approved the final draft of the new National Electoral Code (Díaz, 2020, diciembre 18).

By means of a literature review, the present article comprises a non-exhaustive discussion on the issues of "political participation" of persons with disabilities, "barriers" faced by voters with disabilities within the context of voting, "electoral practices" taking place in the context of voting, and "electoral-assistive devices" to assist voters with disabilities. The objective of this article is to provide a framework within which to determine whether there is room for improvement for the national legislator and policy maker based on the main findings. It is worth mentioning that the questions raised in this article are pertinent to promoting changes within Colombian electoral legal, policy, and social contexts, as well as in other countries. The resulting overview of the existing literature on the issue of voting rights of persons with disabilities also provides insights into the areas where a knowledge gap exists, and thus where the present work can contribute.

The article is divided into four sections. Following this introduction, section two describes the research method to conduct the literature review. In section three, the article consists of review findings, this section addresses each one of the key topics concerning this work and discusses trends and knowledge gaps. Lastly, section four of this article concludes the literature review.

1. Methods

This article follows a scoping literature review protocol. Scoping review methodology is particularly useful for examining a broadly covered topic to evaluate the literature and identify key concepts, theories, evidence, or research gaps comprehensively and systematically (Arksey & O'Malley, 2005).

1.1 Data Sources and Eligibility

The following databases were searched for the period between January 1997 and December 2019: JSTOR, Science Direct, Scopus, Springer, SAGE, and Taylor & Francis. The databases were identified by the authors with the help from a librarian using a journal indexing system. The authors drew on the disability voting rights terminology to come up with operational search terms as indicated in Table 1.

Table 1. Keywords used in the search strategy.

Keywords
[("Accessibility") AND ("The Right to Vote") AND ("Disability')]; OR [("Right to Vote") AND ("Disability")]; OR [("Assistive Technology") AND ("Right to Vote") AND ("Disability")]; OR [("Assistive Technology") AND ("Vote")]; OR [("Electoral practices") AND ("Disability")]

Source: Own elaboration.

The quality assessment of each article was based on the following criteria: reliability, accuracy, methods, relevance, and coherence.[3] Following these criteria, a level of confidence was attributed to each article, ranging from "high confidence" if authors reported details for all the criteria, "moderate confidence" when findings corresponded to some of the criteria, and "low confidence" if the authors did not report most of the noted criteria. It is important to clarify that articles ranked as "low confidence" did not correspond to inadequate methods in collecting data, but rather a lack of a clear description of the methods used by the authors.

Other sources of literature to enhance comprehensiveness of the search and capture all relevant information included grey literature sources[4] and Wikipedia Corpus. The critical appraisal of the grey literature followed the AACODS checklist (Authority, Accuracy, Coverage, Objectivity, Date, Significance) proposed by Jess Tyndall (n.d.). Eligible articles were peer-reviewed studies and grey literature published in English or with available English translations. Literature had a primary focus on defining, exploring or describing the research concepts: "political participation," "barriers to political participation," "electoral-assistive devices," and "electoral practices." Articles were both theoretical and empirical literature, targeting the general population and only randomly including individuals with specific impairments or conditions, from any country, and using both qualitative and quantitative study designs. Criteria for exclusion of articles were the following two: (i)

[3] Multiple generic critical appraisal devices exist to examine the trustworthiness and relevance of evidence in a systematic literature review. Thus, it is possible to use different methods depending on the scholarship field. In general, quality assessment relies on the methods used by the authors to collect data (Woolliams *et al.,* 2009; Cottrell, 2011).

[4] Grey literature databases used were: Open Grey and ProQuest Database of Dissertations. General internet searches to identify papers, conference presentations, reports, technical documents, official documents, policy briefs, and other types of grey literature was done on the following websites: ifes.org (IFES), electionaccess.org (by IFES), and aceproject.org (ACE Project). Also, information was searched using Google Chrome web browser.

findings or content not related to the objectives of the review or insufficiently informative results and (ii) editorial reviews.

1.2 Study Appraisal and Synthesis

The authors undertook a three-part article screening process. In the first stage, article titles were reviewed. In the second stage of article selection, the researchers reviewed titles and abstracts using the inclusion and exclusion criteria described above. Lastly, in the third stage, the researcher screened the full-text articles to determine if they met the inclusion/exclusion criteria. A sample of articles was double checked by another researcher from the project *Democratic Governance by the Peace and the Human Rights: Multidisciplinary Approaches in Digital Environments* (La Gran Colombia University) to confirm compliance with eligibility criteria of the scoping review. Key information about articles was extracted using a framework specifically designed for this review. The extraction included standard bibliometric information and details of the study.

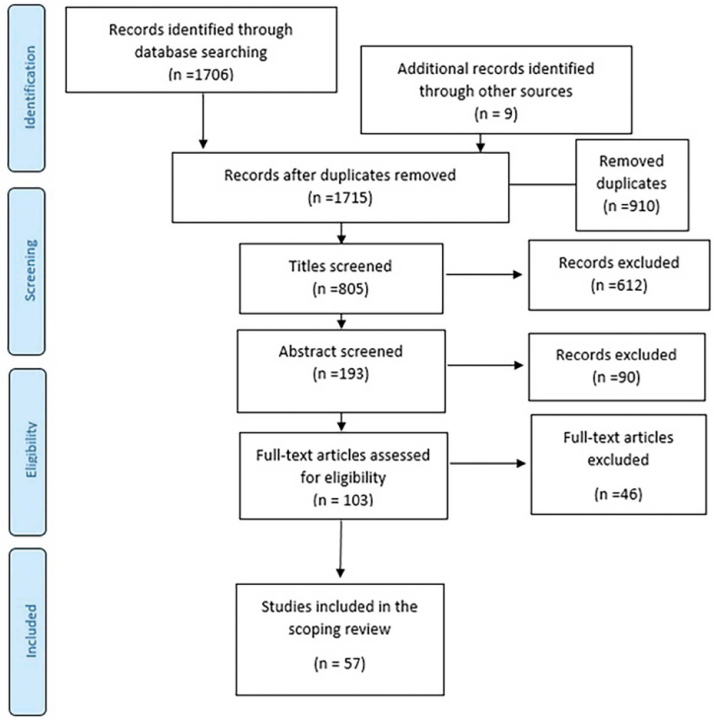
2. Results

2.1 Search Results

From 1,706 records identified through database searching, the author reviewed 103 full articles and retained 57 for this scoping review (see Graph 1). Of the (n=57) sources for final review, most publications, 74% (n=42) of the articles from academic journals included in the critical appraisal were attributed moderate confidence using the criteria described earlier. "Low confidence" was granted to the remaining 36.8% (n=15) of those documents whose authors did not provide sufficient information regarding the methods used to collect the data. Mostly, this review included documents written in English and published from 1997 to the recent works in 2019 (Graph 2).

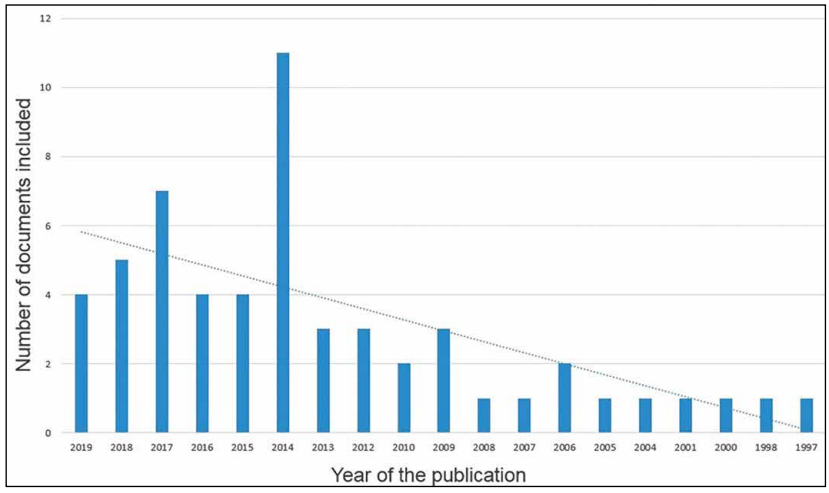
Based on the period covered in this review, the year 2006 constitutes a "breaking point" in the state of academic studies on the right to vote by persons with disabilities. This year corresponds to the signature of the UN CRPD. Year 2006 is, presumably, the "cut-off point" from which most academics initiated researching on countries' efforts to improve the political participation in private and public lives of persons with disabilities. Similarly, the year 2014 is relevant in the work by disability researchers. No relevant historical data can be attributed to this fact.

Graph 1. Scoping Review Flow Diagram.



Source: Adapted from Moher, Liberati, Tetzlaff &, Altman (2009).

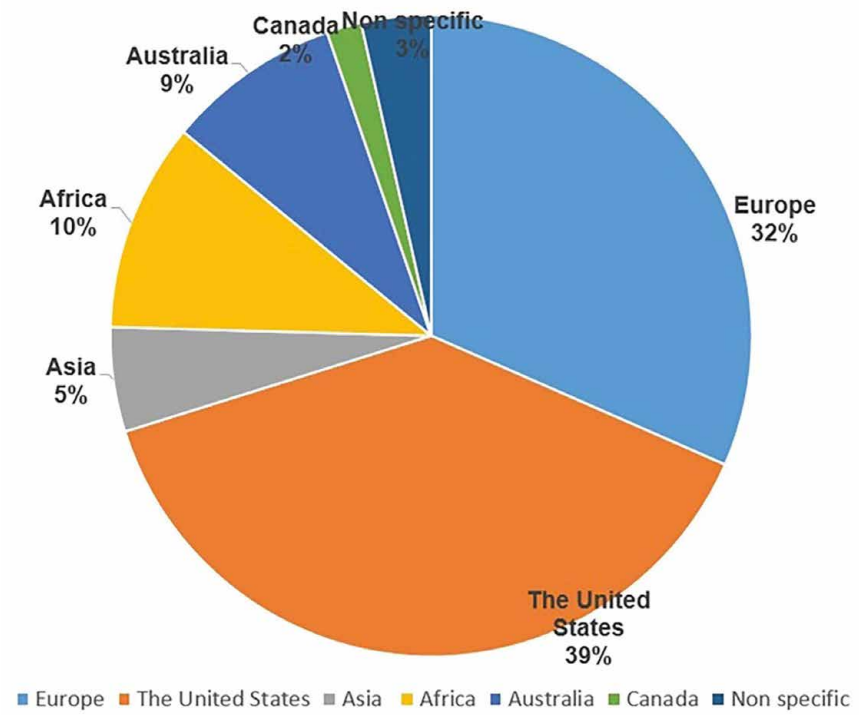
Graph 2. Period covered in the literature review.



Source: Own elaboration.

In terms of the geographical coverage, the documents included were divided into seven groups regarding the countries or regions to which findings were attributed by the authors (Graph 3). There is a slight difference between the number of studies from Europe (18 in total) and those from the United States (22 in total). Interestingly, it was possible to trace articles published in academic journals from Africa, Australia, Canada, and Asia. For the latter region, documents correspond to countries such as India and Japan. These articles are mostly concerned with assistive technology products. Searching and screening were undertaken in October and November of 2019 (Graph 4).

Graph 3. Geographical coverage of the literature review.

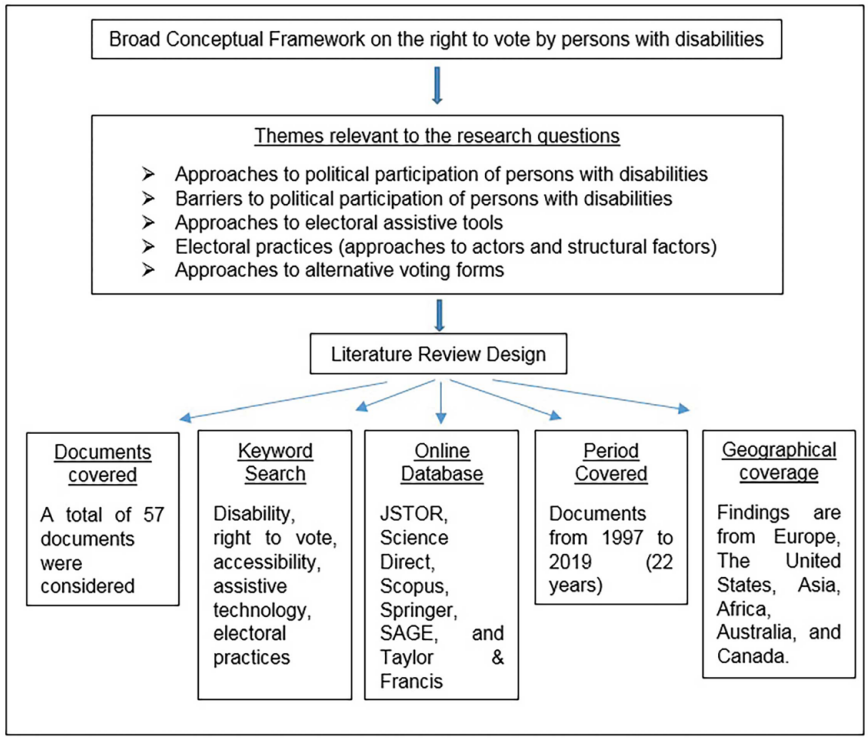


Source: Own elaboration.

2.2 Approaches to Political Participation of Persons with Disabilities

Political participation includes a wide range of activities through which people with disabilities express their opinions on the world and how

Graph 4. Summary of State-of-the-art Framework.



Source: Own elaboration.

it is governed. Aseka-Oluchina (2015) and Schur & Kruse (2000) note that political participation of persons with disabilities includes participation in elections through voting or having voted, holding offices at any branch of the government, joining and forming unions or political parties, participation in policy, and decision-making processes. Schur, Meera & Ameri (2015) add other activities to the list, including contacting elected officials, contributing money to campaigns and attending political meetings.

The existing literature extensively explores political participation within the realm of «citizenship». In their studies, Meekosha & Dowse (1997), Morris (2005), and Lister (2007) affirm that there is an absence of voices of persons with disabilities in contemporary citizenship literature and that disability is an essential element in understanding political struggles around citizenship. Therefore, a good starting point in examining the intricacies of political participation of persons with disabilities is the concept of citizenship.

This concept is clearly outlined by Rankin (2009), where she develops the three parts or elements of Marshall's concept of citizenship, namely the civil, the political, and the social. The civil element consists of the rights necessary for individual freedom, such as the liberty of the person, the right to own property and the right to justice. The political element of citizenship corresponds to the right to participate in the exercise of political power. Lastly, the social element of citizenship includes a wide spectrum of rights, such as economic welfare, security, and the right to live in society according to the standards prevailing in the society. In her studies on disability, Morris (2005) also follows Marshall's concepts of civil, political and social rights. Morris highlights three dimensions of citizenship promoted by disability advocates: self-determination (seen as the capacity for free choice and the exercise of autonomy), participation (including political and community participation), and contribution (how citizens with disabilities contribute to economic and social life). Similarly, Lister has identified four values of inclusive citizenship that emerge from the standpoint of the excluded, particularly persons with disabilities: justice, recognition, self-determination, and solidarity (Lister, 2007).

In recent studies, Hvinden *et al*. (2017), explain the concept of "active citizenship" of persons with disabilities from three dimensions: a sense of security by making effective use of social rights, autonomy to define one's needs, and influence through participation in public and private life. The contributions by Morris (2005), Lister (2007) and Hvinden *et al*. (2017), have as a common element the recognition of the "agency" of citizens with disabilities. In this context, it is possible to argue that public policies aimed at promoting political participation should set as a goal the furtherance of the ability to act of persons with disabilities, allowing them to participate in and be in charge of their own lives through the three elements of citizenship as envisaged by Marshall (1950).

As shown, various authors have explored disability as an important field for the theoretical development of the concept of citizenship from a more "universalist" perspective. Furthermore, those authors have framed "citizenship" as a legal concept at the core of a true democracy. This is most clearly set out by *inter alia* Beckman (2009), Agran & Hughes (2013), Lawn *et al*. (2014) and Kopel (2017), where they note that active citizenship of persons with disabilities and the right to participate in political and public life are a fundamental part of functioning democratic states.

In the same vein, IFES & NDI (2014) note that the inclusion of persons with disabilities is fundamental to a true democracy. Lister (2007), who argues that in democracies the citizenship struggles are articulated in terms of the tension between citizenship's inclusionary and exclusionary sides, has made similar considerations. Furthermore, Morris (2005) also notes that building true democracies is a process embedded in an active/passive citizen debate.

Clearly, there is a tension inherent to the concept of citizenship. In schools, according to Morris (2005), the aim is to produce "active citizens" who will vote, be involved in their local communities, and feel responsible for their societies. In these contexts, being an "active citizen" is equivalent to being a "good citizen." The "active citizenship" is characterized for calling on members of a group to fulfil their responsibilities in addition to making claims regarding their rights, as noted by Meekosha & Dowse (1997).

Persons with disabilities seem not to belong to the realm of "active citizenship." Moreover, authors suggest how political initiatives to encourage "active citizenship" tend not to treat persons with disabilities as potential "active citizens" (Lister, 2007; Morris, 2005). Particularly interesting is Lord, Ashley & Fiala-Butora's (2014) analysis of how public imagination conceives most people with disabilities as passive citizens, helpless individuals as opposed to empowered citizens. Owing to the fact that "passive citizens" are seen as undermining democracies, Meekosha & Dowse (1997) note that persons with disabilities ended up being segregated to the realm of passivity and lack of agency. Excluded, persons with disabilities are denied the "opportunity" of being an "active citizen" and exercising their political rights.

The exclusion of persons with disabilities is furthered either by law, with physical obstacles hampering the exercise of an active role in democratic societies, or indirectly by discriminatory practices. The method how all forms of exclusion are embedded in a paternalistic/protective approach is depicted by *inter alia* Fiala-Butora, Ashely & Lord (2014), Barclay (2013), Combrinck (2014), Kopel (2017), and Ryan, Henderson & Bonython (2016). These authors explore how the concept of "capacity" for citizenship is influenced by medical discourse, and why testing persons with disabilities as having or not having a "capacity to vote" is discriminatory and violates the requirement of equality expressed in general international human rights law.

Generally, despite enfranchisement guarantees contained in international and regional human rights treaties, various authors affirm that persons with disabilities remain politically marginalized. As noted by *inter alia* Schur (1998), Fiala-Butora, Ashely & Lord (2014), Lord, Ashley & Fiala-Butora (2014), Appelbaum (2000), Atkinson, Aaberg & Darn (2017), Ryan, Henderson & Bonython (2016), Van Hees, Boeije & De Putter (2019), and IFES & NDI (2014), persons with disabilities around the world face statutory and procedural barriers to political participation, specifically to voting.

Sackey (2014) notes that since the return to democratic rule in Ghana in 1992, it was only until year 2013 that a minister with a disability was appointed in that country, and that afterwards neither had a single person with a disability been appointed as minister of state nor as a district chief executive in Ghana. This provides an example of the marginalisation status in the private and public lives of persons with disabilities. Similar findings were reported by Schur and Adya (2015). These authors analysed disability measures in voting processes in the United States from the year 2006 to 2010 and found that citizens with disabilities remain less likely to vote than nondisabled citizens. Non-inclusive political scenarios are common to various countries and evidence suggests that citizens with disabilities are not yet equal participants in the political systems around the world.

Some scholars take note of how the exercise of political rights depends on equal access to political information and political activities. Grobelaar, Mgijima & Njau (2018), Fiala-Butora, Ashely & Lord (2014), and Morris (2005) suggest that political inequality is not due to disability per se, but to economic and social inequalities associated with disability. This is clearly outlined by Priestley *et al*. (2016), where the authors note that disability equality should be considered along with other socio-economic variables when researching political participation. In the case of disability, as expressed by Priestley *et al*. (2016), equality raises unique factors such as the legal denial of voting rights on grounds of mental capacity, the accessibility of the political process, and the political activism of the social movement by persons with disabilities.

Schur, Meera & Ameri (2015), following the model proposed by Brady, Verba & Lehman (1995), also classify other factors that contribute to lower turnout among people with disabilities into three categories: resources, recruitment, and psychological. Resources, according to Schur,

Meera & Ameri (2015), consist of level of education, time, money, and civic skills. Limited resources may affect voter turnout in a number of ways. For example, Sackey (2014), when commenting on the work done by Hillygus (2005), provides evidence of how participation in politics depends on the level of education. Sackey (2014) argues that education provides both the skills necessary to become politically engaged and the knowledge to understand democratic principles.

The recruitment process, as envisaged by Schur, Meera & Ameri (2015), is conducted through formal and informal networks to which citizens belong. In the case of persons with disabilities, political recruitment is limited by their relative isolation. Kelley (2010) also attaches some importance to the community and social involvement as influencing political participation.

Finally, the psychological factors include political interest, civic values, and feelings of efficacy. As explained by Schur, Meera & Ameri (2015), evidence indicates that people with disabilities discuss politics less frequently than citizens without disabilities. In this regard, Ward, Baker & Moon (2009), Lawn *et al*. (2014), and Agran & Hughes (2013) illustrate that interest in politics is reduced by stigma and discrimination associated with disability.

Many publications also focus on the right to a secret and independent ballot as an integral part of the fundamental right of persons with disabilities to vote. Kanter & Russo (2006) note that persons with disabilities often do not have the option of voting secretly and independently in a polling place. In this regard, Mercurio (2003) argues that the secret ballot reflects the democratic political instinct that political participation is an inalienable birth right that must be exercised as an act of individual free expression. Moreover, Shaw (2006, January 26) notes that the secret ballot offers protection from undue influence on voters. Shulman (2010) and Gad & Dalsgaard (2017) further elaborate the secrecy of the vote as one of the criteria which political scientists base their diagnosis of the democratic status of nation-states.

The secrecy of the vote is a crucial element for most democracies. Authors have briefly elaborated on accessibility, inclusive and universal design as prerequisites to enable persons with disabilities to enjoy their right to vote secretly and independently. In the existing literature, even less developed is the idea of how to secure a method of casting a secret and verifiable vote for persons with disabilities using assistive technology.

2.3 Barriers to Political Participation

The bulk of the academic literature concerns barriers faced by persons with disabilities which hinder their political rights. As noted by IFES & NDI (2014), some barriers are unique to specific regions and stages of the electoral cycle. Van Hees, Boeije & De Putter (2019), and Fiala-Butora, Ashely & Lord (2014) coincide in identifying two groups of barriers to political participation of persons with disabilities that are repeatedly found in various studies, namely statutory and procedural barriers to voting.

Research on prevailing guardianship laws and policies that bar persons with disabilities from exercising their franchise *de jure* is available from at least the 1990s, and it is interesting to note how many of the findings are still relevant in the contemporary disability context. Discriminatory electoral legal frameworks and regulations that restrict the legal capacity and autonomy of persons with intellectual disabilities have been extensively explored by *inter alia* Lord, Ashley & Fiala-Butora (2014); Grobelaar, Mgijima & Njau (2018); Priestley *et al*. (2016); Ward, Baker & Moon (2009); Atkinson, Aaberg & Darn (2017); Appelbaum (2000); and the FRA (2019). These authors have analysed legal provisions that exclude persons with intellectual disabilities based on the idea that they lack the very personal attribute protected by the right to vote, which is the ability to exercise self-determination regarding the laws and individuals that govern society. These studies coincide in arguing that laws precluding persons with disabilities from voting contravene the CRPD and other regional human rights treaties, mainly the European Convention on Human Rights.

The existing literature also explores the procedural barriers to voting. Kanter & Russo (2006); Bell, McKay & Phillips (2001); Schur & Meera (2012); Combrinck (2014); and IFES & NDI (2014) *inter alia* note that voters with disabilities encounter inaccessible polling places, lack of assistive devices, inaccessible vote recording technologies, and disabled-based voting restrictions. In this context, Atkinson, Aaberg & Darn (2017), and Wass *et al*. (2017), also note that communication barriers limit access to information, physical barriers prohibit access to buildings and attitudinal barriers, such as stereotypes or stigma, and limit the access of persons with disabilities to public life. Other barriers are poorly trained election officials, as noted by Hoerner (2014), complicated ballots, greater social isolation, lower levels of education

and income, and lower feelings of political efficacy, as explored by Schur & Meera (2012).

Particularly interesting is the analysis by Atkinson, Aaberg & Darn (2017); Thuo (2016); and Hoerner (2014) of the existing "informal" barriers. Thuo (2016) provides an example of this category, where he notes that in Kenya there is an "informal guardianship" created by the family, on whom persons with intellectual disabilities are dependent for support. Families make decisions on behalf of persons with disabilities. Examples of these decisions include restrictions of freedoms of movement and exclusion from birth registration when a child is born with a disability. As it has been analysed in the academic literature, for instance by Lord, Ashley & Fiala-Butora (2014), without birth registration, it is difficult to obtain a national identity card, which is a prerequisite for the voter registration process.

Furthermore, the contributions by Thuo (2016), Meekosha & Shuttleworth (2009) explore how these "informal" barriers have gender bias, owing to the fact that women with disabilities are less supported in participating in society and freely socializing in spaces outside their homes. Undoubtedly, female voters with disabilities face multiple forms of discrimination and barriers more frequently.

A briefly elaborated aspect of the existing literature is the barriers imposed at other levels, including the Electoral Management Bodies (EMBs) and attitudes by electoral officials and poll workers towards voters with disabilities on election days. On this regard, few authors, such as Kelley (2010) have framed the refusal and inappropriate assistance by electoral officials to persons with disabilities at the polling stations as a barrier that hinders their participation.

2.4 Approaches to Electoral Assistive Devices (Assistive Technology)

Takeaki *et al*. (2017, 5-7 December) and Kline & Ferri (2017) note that persons with disabilities use assistive technology products to gain functional ability to perform tasks of their daily life independently. Surprisingly, much of the recent academic literature ignores this aspect when discussing issues related to the right to vote of persons with disabilities. Of the few publications which directly discuss the issue, IFES & NDI (2014), Aseka-Oluchina (2015),

Mercurio (2003), and McGrew (2012) refer to the lack of a unique system for the provision of assistive technology to persons with disabilities when voting and the lack of uniformity between national and local elections when dealing with "electoral assistive technology."

Some authors briefly recognise how the CRPD places a great emphasis on both assistive devices and universally designed technology. Kline & Ferri (2017) note how the CRPD bestows upon nation-states' political parties a range of duties related to the provision of accessible technology and the promotion of universally designed goods.

In the same vein, Aseka-Oluchina (2015) argues that there is an obligation resulting from CRPD for States Parties to adopt all appropriate measures to ensure the right of persons with disabilities to vote on an equal basis with others. Moreover, as envisaged by Aseka-Oluchina, this obligation includes the use of assistive devices and new technologies to enable persons with disabilities to stand and hold public offices. Similarly, Mercurio (2003) notes that because the range of computerized voting systems is wide, states might be able to afford the option that fits budgetary restrictions. Mercurio also highlights how the use of technological voting means, such as a computer terminal or similar with audio or voice recognition software, ensures the right to a secret ballot by persons with disabilities.

Particularly interesting are the studies on the federal Help America Vote Act (HAVA) of 2002 from the United States. HAVA requires each polling place to use 'assistive voting machines' that allow voters with disabilities to cast their ballots in privacy. As suggested by Kanter (2006), Shaw (2006, January 26), and Hoerner (2014), HAVA does not comprise a statement of acceptable minimum standards for accessibility, nor does it provide a system for revising the standards in accordance with evolving technology. Studies on common standards of accessibility in Europe were not found.

In sum, the academic literature recognises that political participation requires the provision of reasonable accommodation and adequate assistance, and that advances in technology enable not only persons with disabilities to vote but also all voters alike, as noted by Shulman (2010) and Innovation for the Blind (2017). Nevertheless, there is insufficient literature concerning the provision of technology —in terms of high or low cost— as a measure to be adopted by states to ensure that voters with disabilities can exercise their rights

in practice. Furthermore, surprisingly, voters' understandings and knowledge regarding electoral assistive devices have been underexplored.

2.5 Electoral Practices

Despite the lack of attention for defining the concept of "practices" in the academic literature, a perusal of this literature shows that authors are generally in agreement on what is to be understood by "practices" from the social practice theorists such as Pierre Bourdieu and Anthony Giddens. Most of the academic publications examined on 'electoral practices' share the same definitional elements of what constitutes "practices" (i.e., actors who are knowledgeable about most of their actions and rely on structures to act).

The nature of the "practices" is often the subject of analysis in the academic literature. In general, the distinction is made between promising practices or best practices and exclusionary practices. With promising practices, voters with disabilities are enabled to exercise their franchise. Grobelaar, Mgijima & Njau (2018); Schur & Meera (2012); Atkinson, Aaberg & Darn (2017); and the International Institute for Democracy and Electoral Assistance IDEA (2014) explore practices for removing voting obstacles, including professionalism of EMBs, recruitment of persons with disabilities to serve as election observers, and increasing polling place accessibility. Other "good practices" include training of election officials in disability issues, voter education, and reasonable modifications to avoid disability discrimination in electoral procedures. In this regard, Belt (2016) briefly elaborates on the training issues for poll workers on new technology.

She frames this type of training as a "bottleneck" in the electoral systems. Likewise, Priestley *et al*. (2016), also note other "promising practices," such as the opportunity structures for DPOs involvement in public policy development. These authors also positively value the involvement of political parties in carrying accessible meetings to inform potential voters about electoral procedures. Similarly, Aseka-Oluchina (2015) notes that relevant actors in the electoral scenario are political parties, which should ensure active participation of persons with disabilities.

Exclusionary practices, on the other hand, presuppose that persons with disabilities are reduced to the category of "passive" or "invisible" actors within electoral systems. This is most clearly established by Combrinck (2014), where

he identifies national practices that range from total exclusion of persons with disabilities from political participation, through a case-by-case consideration to full participation.

Most of the exclusionary practices, as noted by Lister (2007), arise from structural issues that influence representations of persons with disabilities. These practices are determined by each state, as noted by Agran & Hughes (2013), and correspond to particular social and cultural realities. Similar statements are made by the European Economic and Social Committee, where it notes that exclusionary practices in Europe are based on long-standing customs and not expressly provided for by law (Pater, 2019).

In the academic literature, the view that various subgroups of actors influence political participation of persons with disabilities is prevalent. Nevertheless, only a few authors have carefully researched this issue. For example, Hoerner (2014) and Wass *et al*. (2017), note how voters with disabilities may be discouraged by interactions with poll workers and election officials who lack adequate knowledge to deal with disabilities or to offer assistance. Belt (2016) notes that actors within the electoral system, such as poll workers, experience discomfort when helping voters who use accessible technology. Furthermore, Ward, Baker & Moon (2009) argued that election officials play a role as facilitators or inhibitors of voting by persons with disabilities. Ward *et al*. also recognized that there are no available empirical data about perceptions and attitudes of polling and election officials towards voters with disabilities. Surprisingly, it seems to be underexplored how different actors serve a variety of functions in supporting or constraining the democratic process.

Conclusions

This article appraised available literature in the field of political participation of persons with disabilities. Disability scholarship has extensively explored the right to vote within the realm of the "citizenship" of persons with disabilities. As indicated in this article, available literature in this field discusses that the concept of "citizenship" for persons with disabilities implies the recognition of their capacity to act, to make decisions and to act accordingly.

Voting is an act of citizenship grounded in the inherent capability of persons with disabilities to make electoral decisions. Such an act of citizenship

facilitates the personal autonomy of persons with disabilities, as envisaged by the concept of citizenship developed by Marshall (1950). Thus, as it has been illustrated throughout this article, active citizenship of persons with disabilities and their right to vote are related to each other and they both are fundamental to the functioning of democratic states.

Nevertheless, several authors coincide in arguing that persons with disabilities appear to occupy spaces outside the scope of "active citizenship." Exclusion of persons with disabilities from "active citizenship" and the exercise of their political rights is promoted either directly by law or physical obstacles preventing active participation in democratic societies, or indirectly by discriminatory practices. Furthermore, disability scholars have taken note of how the exercise of political rights depends on equal access to political information and electoral-related activities. Indeed, when looking at the voting rights of persons with disabilities through the lens of equality certain unique issues arise, such as the legal denial of voting rights on grounds of mental capacity; the inaccessibility of the political process; insufficient voter education; and the lack of opportunities to get involved in political activism by persons with disabilities.

Based on the reasons above, it seems that despite enfranchisement guarantees in international and regional human rights treaties, persons with disabilities around the world face statutory, procedural, and social barriers to political participation and therefore remain politically marginalized. This seems to be a prevailing reality based on introductory texts discussed in this article that requires further examination by national legislators and policy makers. Colombia, as it is the case for other UN CRPD States Parties, faces the challenge to recognize, in the first place, the systematic inequalities that persist within their national electoral system, in some cases actually deepened, notwithstanding legal dispositions and other interventions to reduce them. The evidence for this observation is substantial and important advances are being made in terms of explaining the findings, as indicated in this article. Secondly, the new legislation adopted by the State must ensure that all eligible voters might exercise their right to vote in practice. The scoping review of the literature confirms that under international human rights law, mainly the UN CRPD, States Parties are required to provide accessibility conditions in the context of voting. Yet inaccessible voting contexts persist.

As demonstrated in this article, there is insufficient existing literature addressing the link between protection gaps of voters with disabilities and practices within national electoral systems. There is little research, for example, on how voters and electoral officials well trained in the use of electoral-assistive devices can ensure a better user experience. This sort of practices taking place within the context of voting is part of the many issues underexplored by the available literature in this field. Furthermore, from this scoping review, it appears that assistive technology is not often discussed as a tool for the facilitation of civil and political rights of persons with disabilities, such as the right to vote.

With regard to knowledge gaps, this scoping review confirms that many authors have explored political participation as a means and an end of minimizing marginalization of citizens with disabilities. Likewise, there is abundant literature on the existence of barriers in all dimensions of citizenship. Notwithstanding, many relevant academic discourses are still lacking. First, it seems that the right to vote of individuals with disabilities other than intellectual or mental is the least elucidated issue by disability scholars. This fact is due to a greater emphasis on legal disenfranchisement, which affects primarily persons with intellectual or mental disabilities because of guardianship, rather than procedural barriers that affect all persons with disabilities. Second, secrecy of the vote as a crucial legal element of the right to vote, and its relationship with accessibility of materials used to vote by persons with disabilities has been found only in a handful of publications. Third, social practices that impede equal political participation of persons with disabilities associated with actors, such as electoral officials, is a research topic briefly touched. Consequently, this topic requires a more substantive analysis by disability scholars.

References

1. Agran, Martin & Hughes, Carolyn. (2013). You Can't Vote-You're Mentally Incompetent: Denying Democracy to People with Severe Disabilities. *Research & Practice for Persons with Severe Disabilities,* 38 (1). https://doi.org/10.2511/027494813807047006

2. Appelbaum, Paul S. (2000). "I Vote. I Count": Mental Disability and the Right to Vote. *Psychiatric Services,* 51 (7), pp. 849-863.

3. Arksey, Hilary & O'Malley, Lisa. (2005). Scoping Studies: Towards a Methodological Framework. *International Journal of Social Research Methodology,* 8 (1), pp. 19-32. https://doi.org/10.1080/1364557032000119616

4. Aseka-Oluchina, William. (2015). The Right to Political Participation for People with Disabilities in Africa. *African Disability Rights Yearbook,* 3, pp. 309-327. http://dx.doi.org/10.17159/2413-7138/2015/v3n1a14

5. Atkinson, Virginia, Aaberg, Rebecca & Darn, Staffan. (2017). Disability Rights and Election Observation: Increasing Access to the Political Process. *Nordic Journal of Human Rights,* 35 (4), pp. 375-391. https://doi.org/10.1080/18918131.2017.1400348

6. Barclay, Linda. (2013). Cognitive Impairment and the Right to Vote: A Strategic Approach. *Journal of Applied Philosophy,* 30 (2), pp. 146-159. https://doi.org/10.1111/japp.12020

7. Beckman, Ludvig. (2009). *The Frontiers of Democracy*. London: Palgrave Macmillan.

8. Bell, Dorothy; McKay, Colin & Phillips, Kathryn J. (2001). Overcoming the Barriers to Voting Experienced by People with Learning Disabilities. *British Journal of Learning Disabilities,* 29 (4), pp. 122-127. https://doi.org/10.1046/j.1468-3156.2001.00127.x

9. Belt, Rabia. (2016). Contemporary Voting Rights Controversies Through the Lens of Disability. *Standford Law Review,* 68 (6), p. 1491.

10. Brady, Henry; Verba, Sidney & Lehman, Kay. (1995). Beyond Ses: A Resource Model of Political Participation. *The American Political Science Review,* 89 (2), pp. 271-294. https://doi.org/10.2307/2082425

11. Combrinck, Heléne. (2014). Everybody Counts: The Right to Vote of Persons with Psychosocial Disabilities in South Africa. *African Disability Rights Yearbook,* 2, pp. 75-100.

12. Cottrell, Stella. (2011). *Critical Thinking Skills: Developing Effective Analysis and Argument.* London: Palgrave Macmillan.

13. Díaz Solano, Evelyn. (2020, diciembre 18). Colombia tendrá Nuevo Código Electoral. *Senado de la República de Colombia.* https://senado.gov.co/index.php/prensa/noticias/2182-nuevo-codigo-electoral-colombiano

14. European Union Agency for Fundamental Rights (FRA). (2019). Who Will (Not) Get to Vote in the 2019 European Parliament Elections? Developments in the Right to Vote of People Deprived of Legal Capacity in EU Member States. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-right-vote-ep-elections-legal-capacity_en.pdf

15. Fiala-Butora, János; Ashley, Michael & Lord, Janet. (2014). The Democratic Life of the Union: Toward Equal Voting Participation for Europeans with Disabilities. *Harvard International Law Review,* 55 (1), pp. 71-104.

16. Fishkin, Joseph. (2011). Equal Citizenship and the Individual Right to Vote. *Indiana Law Journal,* 86 (4), pp. 1289-1360.

17. Gad, Christopher & Dalsgaard, Steffen. (2017). Disability as Infra-Critique: A Compositionist Approach to the Election Process in Denmark. *Journal of Cultural Economy,* 10 (3), pp. 237-250. https://doi.org/10.1080/17530350.2017.1312485

18. Grobelaar Du Plessis, Ilze; Mgijima, Innocentia & Njau, Jehoshaphat. (2018). Art. 29 Participation in Political and Public Life In: Bantekas. Ilias; Ashley, Michael & Anastasiou, Dimitris (Eds.). *The UN Convention on the Rights of Persons with Disabilities: A Commentary*. Oxford: Oxford University.

19. Hillygus, D. Sunshine. (2005). The Missing Link: Exploring the Relationship Between Higher Education and Political Engagement. *Political Behavior,* 27 (1), pp. 25-47. https://doi.org/10.1007/s1109-005-3075-8

20. Hoerner, Benjamin. (2014). Unfulfilled Promise: Voting Rights for People with Mental Disabilities and the Halving of HAVA's Potential. *Texas Journal on Civil Liberties & Civil Rights,* 20. https://works.bepress.com/benjamin_hoerner/1/download/

21. Hvinden, Bjørn *et al*. (2017). Is Public Policy in Europe Promoting the Active Citizenship of Persons with Disabilities? In: Halvorsen, Rune; Hvinden, Bjørn; Bickenbach, Jerome; Ferri, Delia & Guillén Rodriguez, Ana Marta (Eds.). *The Changing Disability Policy System. Active Citizenship and Disability in Europe Volume 1*. Abingdon: Routledge.

22. Innovation for the Blind. (2017). How Do People with Visual Impairments Vote? https://innovationfortheblind.org/how-do-people-with-visual-impairments-vote/

23. International Foundation for Electoral Systems (IFES) & National Democratic Institute (NDI). (2014). *Equal Access: How to Include Persons with Disabilities in Elections and Political Processes*. Washington, D. C.: IFES & NDI.

24. International Institute for Democracy and Electoral Assistance (IDEA). (2014). *Electoral Management Design. Revised Edition*. Strömsborg: International IDEA. https://www.idea.int/publications/catalogue/electoral-management-design-revised-edition

25. Kanter, Arlene & Russo, Rebecca. (2006). The Right of People with Disabilities to Exercise Their Right to Vote under the Help American Vote Act. *Mental & Physical Disability Law Reporter,* 30 (6), pp. 852-857.

26. Kelley, Ryan. (2010). Toward an Unconditional Right to Vote for Persons with Mental Disabilities: Reconciling State Law with Constitutional Guarantees. *Boston College Third World Law Journal,* 30 (2), pp. 359-393.

27. Kline, Jennifer & Ferri, Delia. (2017). Enabling People with Disabilities through Effective Accessible Technology Policies. In: Halvorsen, Rune; Hvinden, Bjørn; Bickenbach, Jerome; Ferri, Delia & Guillén Rodriguez, Ana Marta (Eds.). *The Changing Disability Policy System. Active Citizenship and Disability in Europe Volume 1*. Abingdon: Routledge.

28. Kopel, Charles. (2017). Suffrage for People with Intellectual Disabilities and Mental Illness: Observations on a Civic Controversy. *Yale Journal of Health Policy, Law, and Ethics,* 17 (1), pp. 209-250.

29. Lawn, S. *et al*. (2014). Mental Health Recovery and Voting: Why Being Treated as a Citizen Matters and How We Can Do It. *Journal of Psychiatric and Mental Health Nursing,* 21 (4), pp. 289-295. https://doi.org/10.1111/jpm.12109

30. Lister, Ruth. (2007). Inclusive Citizenship: Realizing the Potential. *Citizenship Studies,* 11 (1), pp. 49-61. https://doi.org/10.1080/13621020601099856

31. Lord, Janet; Ashley, Michael & Fiala-Butora, János. (2014). Facilitating and Equal Right to Vote for Persons with Disabilities. *Journal of Human Rights Practice,* 6 (1), pp. 115-139. https://doi.org/10.1093/jhuman/hut034

32. Marshall, Thomas. (1950). *Citizenship and Social Class*. Cambridge: Cambridge University.

33. McGrew, Greg. (2012). Assistive Technology for the Voting Process. *The Information Technology and Innovation Foundation, Working Paper,* 002. http://elections.itif.org/reports/AVTI-002-McGrew-2012.pdf

34. Meekosha, Helen & Dowse, Leanne. (1997). Enabling Citizenship: Gender, Disability and Citizenship in Australia. *Feminist Review,* 57 (1). https://doi.org/10.1080/014177897339650

35. Meekosha, Helen & Shuttleworth, Russell. (2009). What's so "critical" about Critical Disability Studies? *Australian Journal of Human Rights,* 15 (1), pp. 47-75. https://doi.org/10.1080/1323238X.2009.11910861

36. Mercurio, Bryan. (2003). Discrimination in Electoral Law: Using Technology to Extend the Secret Ballot to Disabled and Illiterate Voters. *Alternative Law Journal,* 28 (6). https://doi.org/10.1177/1037969X0302800603

37. Morris, Jenny. (2005). Citizenship and Disabled People: A Scoping Paper Prepared for the Disability Rights Commission. *Centre for Disability Studies, University of Leeds*. https://disability-studies.leeds.ac.uk/wp-content/uploads/sites/40/library/morris-Citizenship-and-disabled-people.pdf

38. Organización de las Naciones Unidas (ONU) Comité sobre los Derechos de las Personas con Discapacidad. (2016). Coalición Colombiana por la Implementación de la Convención sobre los derechos de las personas con discapacidad. Informe alternativo. https://discapacidadcolombia.com/phocadownloadpap/PUBLICACIONES_ARTICULOS/Informe%20Alterno%20Coalicion%20Colombiana%20-%20esp.pdf

39. Pater, Krzysztof. (2019). *Real Rights of Persons with Disabilities to Vote in European Parliament Elections. Information Report*. Belgium: European Economic and Social Committee.

40. Priestley, Mark *et al*. (2016). The Political Participation of Disabled People in Europe: Rights, Accessibility and Activism. *Electoral Studies,* 42, pp. 1-9. https://doi.org/10.1016/j.electstud.2016.01.009

41. Rankin, Joanna C. (2009). Disability, Citizenship & Identity. [PhD Thesis]. York University, Toronto. https://pvac-sites.leeds.ac.uk/cds/files/library/rankin-Final-Citizenship-Disability-Identity.pdf

42. Ryan, Trevor; Henderson, Andrew & Bonython, Wendy. (2016). Voting with an "Unsound Mind"? A Comparative Study of The Voting Rights of Persons with Mental Disabilities. *UNSW Law Journal,* 39 (3), pp. 1038-1071.

43. Sackey, Emmanuel. (2014). Disability and Political Participation in Ghana: An Alternative Perspective. *Scandinavian Journal of Disability Research,* 17 (4), pp. 366-381. https://doi.org/10.1080/15017419.2014.941925

44. Schur, Lisa. (1998). Disability and the Psychology of Political Participation. *Journal Disability Policy Studies,* 9 (2). https://doi.org/10.1177/104420739800900202

45. Schur, Lisa & Kruse, Douglas. (2000). What Determines Voter Turnout?: Lessons from Citizens with Disabilities. *Social Science Quarterly,* 81 (2), pp. 571-587.

46. Schur, Lisa; Meera, Adya & Ameri, Mason. (2015). Accessible Democracy: Reducing Voting Obstacles for People with Disabilities. *Election Law Journal,* 14 (1), pp. 60-65. https://doi.org/10.1089/elj.2014.0269

47. Shaw, Charley. (2006, January 26). MN Elections Officials Running into Problems with Compatibility of New Voting Equipment. *Minnesota Lawyer*. https://minnlawyer.com/2006/01/26/mn-elections-officials-running-into-problems-with-compatibility-of-new-voting-equipment/

48. Shulman, Joanna. (2010). Defending Secret Voting for People with Vision Impairments. Fittler v New South Wales Electoral Commission and Anor (No. 2) [2008] NSWADT. *Precedent,* 96, pp. 42-43.

49. Takeaki, Shionome *et al*. (2017, 5-7 December). Complement of Incomplete Task Results for Real-Time Crowdsourcing Interpretation. *2017 International Conference on Asian Language* Processing. Asian Language Processing (IALP), Singapore. https://ieeexplore.ieee.org/document/8300617

50. Thuo, Lucianna. (2016). Implementation of Political Participation Standards for Persons with Intellectual Disabilities in Kenya. *Strathmore Law Journal,* 2 (1), pp. 97-131.

51. Tyndall, Jess. (n.d.). Grey Literature in Health. *University of Camberra*. https://canberra.libguides.com/c.php?g=599348&p=4148869

52. Van Hees, Suzanne; Boeije, Hennie & De Putter, Iris (2019). Voting Barriers and Solutions: The Experiences of People with Disabilities during the Dutch National Election in 2017. *Disability & Society,* 34 (5), pp. 819-836. https://doi.org/10.1080/09687599.2019.1566052

53. Ward, Aandrew; Baker, Paul & Moon, Nathan. (2009). Ensuring the Enfranchisement of People with Disabilities. *Journal of Disability Policy Studies,* 20 (2). https://doi.org/10.1177/1044207308325996

54. Wass, Hanna; Mattila, Mikko; Rapeli, Lauri & Söderlund, Peter (2017). Voting While Ailing? The Effect of Voter Facilitation Instruments on Health-Related Differences in Turnout. *Journal of Elections, Public Opinion and Parties,* 27 (4), pp. 503-522. https://doi.org/10.1080/17457289.2017.1280500

55. Woolliams, Mary; Williams, Kate; Butcher, Dan; Pye, Jim. (2009). *"Be More Critical!" A Practical Guide for Health and Social Care Students*. London: Oxford Brookes University.